

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES WILSON, et al)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-399-JJF
)	
STANLEY TAYLOR, et al.)	
)	

AFFIDAVIT OF MIKE DELOY

I, Mike Deloy, having been duly sworn by law, do hereby depose and state as follows:

1. I am employed by the State of Delaware Department of Correction ("DOC") as Warden at the Sussex Correctional Institution ("SCI"). I have been employed by the DOC since November of 1980 and as Warden since May 13, 2007. At all times relevant to the allegations in the Complaint, I held the position of Deputy Warden. I held that position from October 1996 until March of 2007 when I was named Acting Warden.

2. I have read Plaintiffs' Complaint and dispute the allegations therein.

Retaliation Claim

3. Plaintiff Wilson was transferred from the Merit Building on March 29, 2006 to Administrative Segregation ("ASDA"). On April 4, 2006, he was transferred from ASDA to the Key South Building. Wilson was transferred because of an ongoing investigation involving multiple parties—that did not include inmate Alan Pendry. The investigation was initiated because Wilson and another inmate became involved in a situation which pitted one staff member against another. Following the investigation, the Warden at the time, Rick Kearney, made the determination that Wilson could not be returned to the Merit Building.

5. Plaintiff Wilson was not transferred from the Merit Building for filing grievances. Wilson was transferred for legitimate security reasons within the institution

6. For security reasons, jobs are assigned to buildings. If an inmate is moved from one building to another, a different set of jobs would be available for him to work. The education tutor job is assigned to the Merit building. When Wilson was moved from the Merit building, he was no longer able to keep his job as an education tutor.

Equal Protection

7. Merit building housing is generally used for the most behaved inmates. The Merit building houses inmates classified to either minimum or medium security level. While the Merit building is split into two sides, there is no difference in privileges on either side.

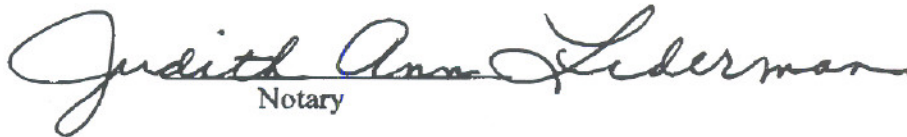
8. There is generally no policy or strategy for where an inmate is placed in the Merit building. Vacancies are filled as they become open, except that we may try to keep inmates who are working the same jobs together for logistical and security reasons. Race does not play a factor in the determination of where an inmate is placed in the Merit building and the Merit building is not racially segregated.

9. This facility does not discriminate regarding job assignments, housing, classification, discipline, or in any other area. Race does not play a factor in any determination. We do not maintain policies that racially discriminate. Inmates are placed in housing depending on their particular classification. Jobs are not determined by race; an inmate must be classified and approved for a job by the institutional classification board. Employment for every inmate at a job he chooses would be ideal; however, there are many more inmates than jobs available.



Mike Deloy

SWORN AND SUBSCRIBED before me this 20th day of April, 2007.



Notary

JUDITH ANN LEDERMAN
NOTARY PUBLIC, STATE OF DELAWARE
My Commission Expires August 19, 2007